

12-03-03

161470
Attorney Docket No.: 22596-531

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Jiang *et al.*

SERIAL NO.:

09/975,776

EXAMINER:

Frederick F. Krass

FILING DATE:

October 10, 2001

ART UNIT:

1614

FOR:

PHARMACEUTICAL COMPOSITIONS CONTAINING β -LAPACHONE,
OR DERIVATIVES OR ANALOGS THEREOF, AND METHODS OF USING
SAME

Mail Stop IDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Image

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Copies of Cited Reference B13-17; and C26-34;
4. Check in the amount of \$180.00 (#17572); and
5. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 22596-531. A duplicate copy of this transmittal letter is enclosed herewith.

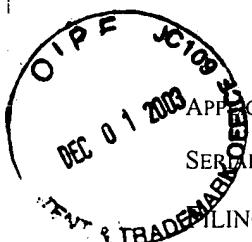
Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Attorney for Applicants
c/o MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.

One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No.: 30623

Date: December 1, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT(S): Jiang *et al.*
SERIAL NO.: 09/975,776 EXAMINER: Frederick F. Krass
MAILING DATE: October 10, 2001 ART UNIT: 1614
FOR: PHARMACEUTICAL COMPOSITIONS CONTAINING β -LAPACHONE,
OR DERIVATIVES OR ANALOGS THEREOF, AND METHODS OF USING
SAME

Mail Stop IDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Supplemental Information Disclosure Statement is being filed after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by

12/04/2003 GWORD01 0000097 09975776

• APPLICANTS: Jiang, et al.
U.S.S.N.: 09/975,776

35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 22596-531.

Respectfully submitted,


Ivor R. Elrifi, Reg. No. 39,529

Ivor R. Elrifi, Reg. No. 39,529

Attorney for Applicants

c/o MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.

One Financial Center

Boston, Massachusetts 02111

Tel: (617) 542-6000

Fax: (617) 542-2241

Customer No.: 30623

Date: December 1, 2003

TRA 1853803v1

Please type a plus sign (+) in this box +

Modified Form 1449/PTO		Application Number	09/975,776
		Filing Date	10/10/2001
		First Named Inventor	Jiang
		Group Art Unit	1614
		Examiner Name	Frederick F. Krass
(use as many sheets as necessary)		Attorney Docket Number	22596-531

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

U.S. PUBLISHED APPLICATION DOCUMENTS							
Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)			Date of Publication	Translation Yes No
B13	WO	03/090710	Case Western Reserve University			11/06/03	
B14	WO	01/64214	The University of British Columbia			09/07/01	
B15	WO	96/11005	Leon T. Atlas			04/18/96	
B16	WO	97/31936	Wisconsin Alumni Research Foundation			09/04/97	
B17	EP	0184990	Ciba Geigy AG (English Language Abstract Only)			06/18/86	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
C26		Nasongkla et al., Pharm Res. 20(10):1626-1633, 2003.
C27		Stella and Rajewski , Pharm Res. 14(5):556-567, 1997.
C28		Szejtli, Chem Rev. 98(5):1743-1754, 1998.
C29		Loftsson and Brewster, J Pharm Sci. 85(10):1017-1025, 1996.
C30		Rajewski and Stella, J Pharm Sci. 85(11):1142-1169, 1996.
C31		Irie and Uekama, J Pharm Sci. 86(2):147-162, 1997.
C32		Rekharsky and Inoue, Chem Rev. 98(5):1875-1918, 1998.
C33		Wuerzberger et al., Cancer Res. 58(9):1876-1885, 1998.
C34		Tagliarino et al., J Biol Chem. 276(22):19150-19159, 2001.

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.